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*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANNETTE SMITH,	:	
	:	08 Civ. 7888 (WHP)(RLE)
Plaintiff,	:	
	:	
against	:	<b>ECF CASE</b>
	:	
NATIONAL BASKETBALL ASSOCIATION,	:	<b>DECLARATION OF</b>
INC., and BERNARD TOLBERT,	:	<b>HOWARD L. GANZ, ESQ.</b>
	:	
Defendants.	:	
-----	X	

I, Howard L. Ganz, Esq., declare, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney with the law firm of Proskauer Rose LLP, attorneys for Defendants National Basketball Association (“NBA”; incorrectly identified as “National Basketball Association, Inc.”) and Bernard Tolbert (collectively “Defendants”) in the above-captioned action. I am fully familiar with the facts set forth herein. I submit this declaration in support of Defendants’ motion for summary judgment.
2. Attached hereto as Exhibit A is a true and correct copy of the Complaint in this action, dated August 14, 2008.

3. Attached hereto as Exhibit B is a true and correct copy of transcript pages from the deposition of Plaintiff Annette Smith, taken by Defendants on April 21, 2009.

4. Attached hereto as Exhibit C is a true and correct copy of transcript pages from the deposition of Bernard Tolbert, taken by Plaintiff on May 8, 2009.

5. Attached hereto as Exhibit D is a true and correct copy of transcript pages from the deposition of Warren Glover, taken by Plaintiff on May 27, 2009.

6. Attached hereto as Exhibit E is a true and correct copy of Plaintiff's Salary History, marked as Exhibit 2 during the deposition of Annette Smith and bates labeled D000404.

7. Attached hereto as Exhibit F is a true and correct copy of a photograph marked as Exhibit 3 during the deposition of Annette Smith and bates labeled P 000078.

8. Attached hereto as Exhibit G is a true and correct copy of a photograph marked as Exhibit 4 during the deposition of Annette Smith and bates labeled P 000079.


9. Attached hereto as Exhibit H is a true and correct copy of a PowerPoint prepared in connection with Bernard Tolbert's presentation during the 2006 Rookie Transition Program. This document was marked as Exhibit 5 during the deposition of Annette Smith and is bates labeled D000060-D000078.

10. Attached hereto as Exhibit I is a true and correct copy of the NBA's Respect in the Workplace Equal Employment Opportunity & Anti-Harassment Policy, marked as Exhibit 6 during the deposition of Annette Smith and bates labeled P00007-P000015.

11. Attached hereto as Exhibit J is a true and correct copy of an email chain dated January 22 – January 23, 2008, including Annette Smith's resignation email dated January 22, 2008. This document was marked as Exhibit 10 during the deposition of Annette Smith and is bates labeled D000424.

I affirm under penalty of perjury that the foregoing is true and correct.

Dated: July 29, 2009  
New York, New York

By:   
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